

REMARKS

Claims 1-35 were presented for examination in the present application and remain pending upon entry of the instant amendment. Claims 1-19 and 32-34 have been allowed.

Claims 20-31 and 35 were rejected under 35 U.S.C. §112, second paragraph. Specifically, the Office Action asserts that it is unclear what structure is intended by the "adapted to" element of independent claim 20 and requests clarification.

Independent claim 20 recites, in part, that the driving-mechanism is "adapted to provide a first movement and a second movement to said at least two tong arms". In addition, independent claim 20 also recites that the at least two tong arms are "adapted to be front-loaded or back loaded with the disk member".

Applicants respectfully traverse this rejection. Applicants submit that this identical issue, at least regarding the driving mechanism, was addressed and overcome, with respect to claim 1, by Applicants' response dated March 17, 2006.

Claim 20 uses functional language to define the driving-mechanism.

A functional limitation is an attempt to define something by what it does, rather than by what it is (e.g., as evidenced by its specific structure or specific ingredients). There is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper. *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971).

In fact, the Court has addressed the phrase "adapted to" on several occasions and has held that such a phrase should be given patentable weight. For example, the court has held that in a claim that was directed to a kit of component parts capable of being assembled, the Court held that limitations such as "members ***adapted to*** be

positioned" and "portions * * * being resiliently dilatable whereby said housing may be slidably positioned" ***serve to precisely define present structural attributes*** of interrelated component parts of the claimed assembly. See *In re Venezia*, 530 F.2d 956, 958-59, 189 USPQ 149, 151-52 (CCPA 1976) (emphasis in original).

It is submitted that the driving-mechanism that is "adapted to provide a first movement and a second movement" fairly conveys to a person of ordinary skill sufficient structure and meaning to render claim 20 definite. This language imparts a structural limitation to the driving-mechanism, namely that the driving-mechanism is so structured and/or configured that it does move the least two tong arms in a first movement and a second movement.

Similarly, it is submitted that at least two tong arms that are "adapted to be front-loaded or back loaded with the disk member" conveys to a person of ordinary skill sufficient structure and meaning to render claim 20 definite. This language imparts a structural limitation to the at least two tong arms, namely that the tong arms are so structured or configured that the disk member can be loaded therein from either the front or the back.

Accordingly, Applicants respectfully submit that claim 20 is definite as written. Reconsideration and withdrawal of this rejection to claim 20, as well as claims 21-31 and 35 that depend therefrom, are respectfully requested.

Claims 20-24, 26-29, and 31 were rejected under 35 U.S.C. §103 over U.S. Patent No. 6,039,375 to Bauman et al. (Bauman) in view of U.S. Patent No. 6,074,163 to Yamazaki et al. (Yamazaki). Claim 25 was rejected under 35 U.S.C. §103 over Bauman and Yamazaki in further view U.S. Patent No. 4,968,077 to Redmon et al. (Redmon). Claim 30 was rejected under 35 U.S.C. §103 over Bauman and Yamazaki in further view of U.S. Patent No. 6,530,616 to McIntosh et al. (McIntosh).

Independent claim 20 now recites that the lever apparatus and/or spindle means

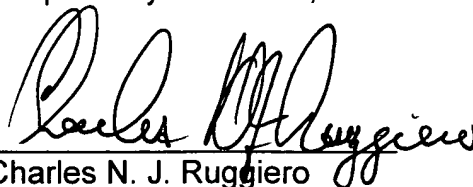
is "accommodated in a housing having a front side with guiding apertures for said at least two tong arms, and a back side". Further, claim 20 recites that the at least two tong arms include "crank guiding members extending through said guiding apertures and being formed so that said grippers show a vertical offset to said housing and are accessible from said front side and said back side of said housing to be front-loaded or back-loaded with the disk member". Support for this amendment is found in the specification at least at page 20, second paragraph to page 21, first paragraph.

Applicants respectfully submit that Bauman and Yamazaki, alone or in combination with Redmon and/or McIntosh do not disclose or suggest the lever apparatus and/or spindle means now claimed.

Thus, Applicants respectfully submit that claim 20, as well as claims 21-31 and 35 that depend therefrom, are in condition for allowance. Reconsideration and withdrawal of the rejection to claims 20-31 and 35 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited. If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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